

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : **CHAPTER 13**
SUSAN DEBRA BURRIS : **CASE NUMBER A16-65980-JRS**
DEBTOR :

OBJECTION TO POST CONFIRMATION
MODIFICATION FILED ON OCTOBER 19, 2020

COMES NOW, NANCY J. WHALEY, Chapter 13 Trustee in the above-styled case, and files herewith this Objection to the Modification filed on October 19, 2020 and as grounds shows the Court as follows:

1.

The Debtor filed for relief under Chapter 13 of Title 11 on September 9, 2016. Debtor's plan was confirmed on March 17, 2017. The Confirmed Plan provides for plan payments of \$784.00 per month and a one-hundred percent (100%) dividend to general unsecured creditors.

2.

The Debtor proposes to modify the plan to decrease the plan payment to \$240.00 per month, reduce the dividend to general unsecured creditors to zero percent (0%), decrease the set monthly payments to creditors and extend the terms of Debtor's plan up to eighty-four (84) months.

3.

The Post Confirmation Modification proposes to reduce the dividend to unsecured creditors, plan payments and allowed term of the plan without reflecting a change in her income or expenses that shows a reasonable need for such modification in violation of 11 U.S.C. Sections 1329(a), 1329(b)(1) and 1325(a)(3). Prior to plan confirmation, the Debtor amended her plan to include a one-hundred percent (100%) dividend to general unsecured creditors in response to the Trustee's objection under 11 U.S.C. Section 1325(a)(3). The Trustee opposes the requested modification of the plan unless and until the Debtor can provide additional information

that shows this modification plan was filed in good faith including amended Schedules I and J, updated proof of income, and the Debtor's 2018 and 2019 Federal Income Tax Returns.

WHEREFORE, based on the foregoing, the Chapter 13 Trustee prays that the Court review this Modification and deny the Debtor's Modification until the Debtor cures the Trustee's Objections and further relief the Court may deem just and proper.

This the 6th day of November, 2020.

Respectfully submitted,

/s/ _____
Maria C. Joyner
Attorney for Chapter 13 Trustee
GA Bar No. 118350
303 Peachtree Center Ave., NE
Suite 120
Atlanta, GA 30303
(678) 992-1201

/scw

CERTIFICATE OF SERVICE

Case No: A16-65980-JRS

I certify that on this day I caused a copy of this Chapter 13 Trustee's Objection to Post Confirmation Modification to be served via United States First Class Mail with adequate postage prepaid on the following parties at the address shown for each:

SUSAN DEBRA BURRIS
4921 OCTOBER WAY
ACWORTH, GA 30102

I further certify that I have on this day electronically filed the foregoing Chapter 13 Trustee's Objection to Post Confirmation Modification using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Attorney for the Debtor(s):

LAW OFFICE OF JEFFREY B. KELLY, P.C.

This the 6th day of November, 2020.

/s/

Maria C. Joyner
Attorney for the Chapter 13 Trustee
State Bar No. 118350
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Suite 120
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